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10/025,717	12/19/2001	David J. Doddek	01-575	8006

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EXAMINER

BHAT, ADITYA S

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/025,717

Applicant(s)

DODDEK ET AL.

Examiner

Aditya S Bhat

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Chou et al. (USPN 6,330,499).

With regard to Claim 1, Chou et al. (USPN 6,330,499) teaches a method for analyzing machine data, the machine data representing at least one condition of a machine, comprising the steps of:

- storing said machine data in a data system; (203;See figure 1, 340,350; figure 2)
- defining a procedure from pre-defined owner input; (100;See figure 1) (Col.8, lines 8-10)
- processing said machine data based on said procedure to determine a machine exception; and (300;See figure 2)
- generating a notification in the event of said machine exception. (Col.8, lines 4-7)

With regard to Claim 8, Chou et al. (USPN 6,330,499) teaches a system for analyzing machine data, the machine data representing at least one condition of a machine, comprising:

- a data system for storing said machine data; (203;See figure 1, 340,350; figure 2)
- an analyzer for accepting a defined procedure from an owner, said analyzer processing said machine data based upon said procedure to determine a machine exception (300;See figure 2) and
- generating a notification in the event of said machine exception. (Col.8, lines 4-7)

With regard to Claim 14, Chou et al. (USPN 6,330,499) teaches a method for analyzing machine data, the machine data representing at least one condition of a machine, comprising the steps of:

- storing said machine data in a data system; (203;See figure 1, 340,350; figure 2)

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defining at least one procedure from predefined owner input to be associated with said machine data; (100;See figure 1) (Col.8, lines 8-10)  
processing said machine data based upon said procedure; (300;See figure 2)  
determining a machine exception from said procedure; (Col.8, lines 18-14) and  
generating a report in the event of said machine exception. (Col.8, lines 4-7)

With regard to Claim 17, Chou et al. (USPN 6,330,499) teaches a system for analyzing machine data, the machine data representing at least one condition of a machine, comprising:

a data system for storing said machine data; (203;See figure 1, 340, 350; figure 2)and

an analyzer for accepting a defined procedure from an owner, said analyzer processing said machine data based upon said procedure to determine a machine exception, (300;See figure 2) and

said analyzer generating a report in the event of said machine exception. (Col.8, lines 4-7)

With regard to Claim 20, Chou et al. (USPN 6,330,499) teaches a method for providing an exception-based report, said report based on machine data representing at least one condition of a machine, comprising the steps of:

analyzing said machine data based on prior input by an owner; (Col.8, lines 51-55)

determining a machine exception based on said machine data; and(Col.5, lines 60-65)

generating a report in the event of said machine exception. (Col.9, lines 4-7)

With regard to Claim 23, Chou et al. (USPN 6,330,499) teaches system for providing an exception-based report, said report based on machine data representing at least one condition of a machine, comprising:

an analyzer for processing said machine data based upon prior input by an owner, (300;See figure 2) said analyzer determining a machine exception based on said machine data, and said analyzer generating a report in the event of said machine exception; (Col.9, lines 4-7) and

a notification device for receiving said report. (See figure 3)

With regard to Claim 2, Chou et al. (USPN 6,330,499) teaches predefined owner input comprises a selected test and defined parameters for said test. (Col.8, lines 8-10)

With regard to Claim 3, Chou et al. (USPN 6,330,499) teaches notification is relayed to a notification device. (101;figure 3)

With regard to Claim 4, and 13 Chou et al. (USPN 6,330,499) teaches notification device is a hand held communications device. (102; Figure 3)

With regard to Claim 5, Chou et al. (USPN 6,330,499) teaches procedure is run on a sequencer. (300; figure2)

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With regard to Claim 6, Chou et al. (USPN 6,330,499) teaches storing step comprises the steps of: storing said machine data on said machine in packets; and transferring said packets via a communications network to said data system. (See figure 1)

With regard to Claim 7, Chou et al. (USPN 6,330,499) teaches storing step includes the step of: streaming said machine data from said machine to said data system via a communications network. (See figure 1)

With regard to Claim 9 and 22, Chou et al. (USPN 6,330,499) teaches a communications network for relaying said machine data from said machine to said data system. (see figure 1)

With regard to Claim 10, Chou et al. (USPN 6,330,499) teaches a communications network comprises wireless communication means. (See figure 1)

With regard to Claim 11, Chou et al. (USPN 6,330,499) teaches a procedure comprises a test selected by said owner and at least one parameter defined by said owner and associated with said test. (Col. 7, lines 1-40)

With regard to Claim 12, Chou et al. (USPN 6,330,499) teaches further comprising: a notification device for receiving said notification via said communications network. (Col.5, lines 34-40 )

With regard to Claim 15 Chou et al. (USPN 6,330,499) teaches selecting at least one test to be associated with said machine data; defining at least one parameter associated with said test; and wherein said processing step includes running said tests in relation to said machine data. (Col. 7, lines 1-40)

With regard to Claim 16 Chou et al. (USPN 6,330,499) teaches an analyzer based upon said procedure, which is defined by said owner, performs processing step. (Col. 6, lines 25-30)

With regard to Claim 18, Chou et al. (USPN 6,330,499) teaches further comprising: a communications network for relaying said machine data from said machine to said data system. (see figure 1)

With regard to Claim 19, Chou et al. (USPN 6,330,499) teaches wherein said procedure is comprised of at least one test selected by said owner, said test having at least one associated parameter defined by said owner. (Col. 6, lines 25-30)

With regard to Claim 21, Chou et al. (USPN 6,330,499) teaches an exception alert and wherein said alert is relayed to a notification device. (Col. 6 lines 62-67)

With regard to Claim 24, Chou et al. (USPN 6,330,499) teaches report comprises an exception alert and wherein said notification device is a portable communications device. (102; Figure 3)

With regard to Claim 25, Chou et al. (USPN 6,330,499) teaches a communications network for wirelessly relaying said report to said notification device. (150b; figure 1)

With regard to Claim 26, Chou et al. (USPN 6,330,499) teaches a data system for storing said machine data; (203; See figure 1, 340,350; figure 2) and wherein said communications device relays said machine data from said machine to said data system. (See figure 1)

***Response to Amendment***

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meanings of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

In this instance applicant argues that the prior art of record does not disclose the predefined owner input as claimed in claim one. However the Chou et al. reference does teaches a predefined fault code that the driver selects from (Col. 8, lines 8-14) and this is believed to read on the claimed invention. With regards to claim 2 the fault monitor in Chou et al. disclose periodically polling the ECU (Col.8, lines 5-7). If the applicant were to amend the claims to further clarify the invention then the invention maybe in condition for allowance.

### ***Conclusion***

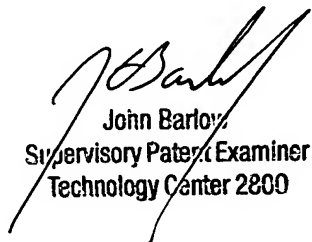
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fera et al. (USPN 6,338,152) teaches a method and system for remotely managing communication of data used for predicting malfunctions in a plurality of machines, Diaz et al. (USPN 6,539,296) teaches a land vehicle communications system and process for providing information and coordinating vehicle activities and Pierro (USPN 6,324,659) teaches a method and system for identifying critical faults in machines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 703-308-0332. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Aditya S. Bhat  
March 30, 2004

  
John Barlow  
Supervisory Patent Examiner  
Technology Center 2800